

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANKLIN MAURICE WILLIAMS,

Case No. 04-CR-80345-DT

Defendant.

Honorable Patrick J. Duggan

ORDER DENYING MOTION TO CORRECT TRANSCRIPT

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on December 18, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On July 26, 2004, a jury returned a guilty verdict as to the charge of felon in possession of a firearm. On November 15, 2004, Defendant was sentenced to 188 months.

Defendant appealed his conviction and sentence to the United States Court of Appeals for the Sixth Circuit. On December 11, 2006, the Sixth Circuit affirmed the conviction but remanded the case for sentencing in light of the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005).

On December 8, 2006, Defendant filed a "Motion to Correct Transcript." The Defendant contends that the transcript incorrectly sets forth what took place with respect to the jury announcing its verdict. Because the Court is satisfied that the transcript accurately

reflects what took place when the jury verdict was announced and specifically what was said, Defendant's motion must be denied.

After the Clerk inquired of the Foreperson, "As to Count One, how do you find the Defendant?" The Foreperson responded, "Not Guilty." The Foreperson then, without any questioning or prompting from the Clerk or the Court, expressed confusion as to what the Clerk meant when she said as to Count One. Because of this apparent lack of clarity as to what verdict the jury had reached, the Court specifically informed the jury that, "Defendant is charged with one count. How do you find the Defendant as to that count, guilty or not guilty?" To this inquiry, the Foreperson stated, "Guilty."¹ The jury was then polled and unanimously agreed with the verdict as announced by the Foreperson.

Because the transcript accurately reflects what took place at the time the Foreperson announced the verdict specifically what was said by the Clerk, the Court, and the Foreperson, Defendant's motion to "correct transcript" is **DENIED**.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Kevin M. Schad, Esq.
Susan E. Gillooly, A.U.S.A.

¹Defendant "recalls" that after the Foreperson stated "not guilty," "the Judge hits his gavel and says, 'Members of the Jury, it is only one count.'" This Court never uses a gavel.